

1 haphazardly; in the first place I want to explain we have
2 not gone into this matter haphazardly.

3 We heard testimony and we made studies of this
4 thing and I want to report to you, ladies and gentlemen,
5 there are three ways in which this matter of sovereign
6 immunity has been eroded away, one is by Constitutional
7 recognition that the legislature should do something.
8 That is what 26 states have done.

9 Secondly, it has been taken care of by legis-
10 lative action in other states. Thirdly, some states,
11 Arizona, is an example, the courts have taken the bull
12 by the horns, saw the theory is no longer valid and they
13 have overruled it.

14 I think the committee was maybe a little over-
15 exuberant, that is why I am proposing an amendment, what
16 we are saying is that this concept belongs in the
17 Constitution and I hope you will keep it in the Consti-
18 tution or put it in the Constitution.

19 THE CHAIRMAN: Delegate Bennett, do you desire
20 to speak in favor of the amendment?

21 DELEGATE BENNETT: Mr. Chairman, in favor of the